UNITED
NATIONS

CERD

International Convention on
the Elimination
of all Forms of
Racial Discrimination

Distr.
GENERAL

CERD/C/SR.1392
30 March 2000

ENGLISH
Original: FRENCH

COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fifty-sixth session

SUMMARY RECORD OF THE 1392nd MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 21 March 2000, at 10 a.m.

Chairman: Mr. SHERIFIS

CONTENTS

THIRD DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION; WORLD CONFERENCE AGAINST RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE (continued)

Composition of the contact group on preparations for the World Conference (continued)
Contribution of the Committee to preparations for the World Conference (continued)

ORGANIZATIONAL AND OTHER MATTERS (continued)

Venue for the sessions of the Committee in 2001 (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.00-41144 (EXT)

The meeting was called to order at 10.15 a.m.

THIRD DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION; WORLD CONFERENCE AGAINST RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE (agenda item 12) (continued)

Composition of the contact group on preparations for the World Conference (continued)

1. The CHAIRMAN invited the Committee to continue the exchange of views begun at its 1386th meeting (CERD/C/SR.1386, paras. 28, 31 and 34) on the composition of the contact group which the Committee had set up on 18 March 1998 to collect information on preparations for the World Conference, make suggestions as to what contribution the Committee could make to that process and represent the Committee at the meeting of the sessional open-ended working group created with a view to making and reviewing proposals on preparations for the Conference. The contact group was composed of Mr. Garvalov, Ms. McDougall and Mr. Yutzis.

2. The Committee was asked to designate one of its members to replace Mr. Garvalov, who was no longer a member of the Committee in the contact group. After the retirement of Mr. Garvalov, the Chairman at the time, Mr. Aboul-Nasr, had held informal consultations within the Committee with a view to filling that position by consensus. Given the large number of candidates, however, those efforts had not been successful.

3. After taking office, the Chairman, with the agreement of the Committee, had requested Mr. Valencia Rodriguez and the two Vice-Chairmen of the Committee to continue the informal consultations initiated by Mr. Aboul-Nasr. He invited Mr. Valencia Rodriguez to keep Committee members informed of the results of those consultations and, if necessary, recommend a procedure for naming the third member of the contract group.

4. Mr. VALENCIA RODRIGUEZ said that his consultations with most of the members of the Committee had not succeeded in achieving a consensus on the composition of the contact group nor on its coordinator. Some experts wished to keep the number of members of the contact group at three, while others wished to increase it to four. If the latter solution were adopted, that might justify designating a fifth member in order to accurately reflect the geographical distribution of the regions represented by Committee members.

5. His preference would be to increase the contact group to four members, who, once designated, would choose a coordinator amongst themselves.

6. Mr. NOBEL, on a point of clarification, said that the contact group's role was limited to ensuring liaison between the Committee and the Preparatory Committee for the World Conference; substantive decisions concerning the World Conference would be taken by the Committee and the open-ended sessional working group of the Commission on Human Rights.

7. He stressed that it was essential for the Committee to take its decision on the composition of the contact group unanimously or at least by consensus, in order to guarantee its effectiveness and cohesiveness.

8. Mr. YUTZIS pointed out that since its inception the open-ended sessional working group had been a forum for discussion which reviewed substantive issues relating to the World Conference and the Committee's participation in that Conference. The contact group on the other hand had a purely functional role, which was essentially to ensure follow-up of the work of the sessional working group on

the preparatory process for the World Conference and communicate to the working group the Committee's views on that process. It was important that that division of labour be maintained.

9. Mr. de GOUTTES welcomed the report by Mr. Valencia Rodriguez. If the Committee decided to increase the size of the contact group, the Committee would then have to take into account the need to respect the principle of fair geographical distribution amongst the regions, keeping in mind that the contact group would have to ensure liaison between the Committee and other bodies participating in the preparatory process to the World Conference, as well as with the regional groups. If the Committee decided to expand the of members of the contact group, it should probably increase the number of members to five so that each region would be represented.

10. Mr. ABOUL-NASR stressed that the main tasks of the contact group, according to its mandate, were to collect information on preparations for the World Conference and to report to the Committee on that matter. Any Committee member could therefore be a member of the contact group and there was no need to take into account the principle of fair geographical distribution. Committee members could therefore take a decision on the proposal to nominate a five-member contact group, as suggested by Mr. Valencia Rodriguez.

11. Mr. FALL regretted that the Committee was spending so much time on the question at hand. It should limit itself to the original aim, of naming a replacement for Mr. Garvalov. The contact group's mission would be unchanged and there was no need to discuss it.

12. Mr. RECHETOV also regretted that the Committee was spending so much time on that issue. He nevertheless supported the proposal made by Mr. de GOUTTES that the composition of the contact group should reflect the principle of fair geographical distribution in order to guarantee that all States parties, in particular those which had been created recently in Central Asia after the break-up of the Soviet Union, would also receive information on the preparatory process for the World Conference.

13. After a show of hands, the CHAIRMAN said he took it that a majority of the Committee wished the contact group to continue to be composed of three members.

14. It was so decided.

15. Mr. YUTZIS, seconded by Mr. FALL, Ms. McDOUGALL, Mr. de GOUTTES, Mr. NOBEL, Mr. RECHETOV, Mr. LECHUGA HEVIA and Mr. SHAHI, moved that, in particular because of the symbolic value of the venue of the World Conference, Ms. January-Bardill, a citizen of South Africa, be appointed to the contact group.

16. Mr. ABOUL-NASR, speaking on a point of order, said that the Committee should not appoint a third member to the contact group but should reappoint the members of the group as a whole. He stressed the need to ensure that there was a balance within the contact group not between regions but between the experienced and inexperienced members of the Committee.

17. Mr. NOBEL, in response to the proposal made by Mr. Aboul-Nasr concerning the reappointment of the contact group as a whole, objected that there had never been any question of dissolving the group, but simply of choosing a member to replace Mr. Garvalov. If the Committee decided to follow Mr. Aboul-Nasr's suggestion, it risked giving the unfortunate impression that the current membership of the contact group did not have the confidence of the Committee. He believed that the composition of the contact group reflected a balance of experience among the three members and was of the opinion that there should be no change.

18. Mr. ABOUL-NASR accepted the arguments put forward by Mr. Nobel.

19. The CHAIRMAN suggested that the Committee should endorse the composition of the contact group and the arrangements for chairing it.

20. It was so decided.

Contribution of the Committee to preparations for the World Conference (continued)

21. Mr. GAHAM, (Representative of the High Commissioner for Human Rights) took a place at the Committee table.

22. The CHAIRMAN recalled decision 5 (55) concerning the World Conference in which the Committee at its fifty-fifth session had decided, with a view to meeting the needs of the Preparatory Committee and the World Conference, to prepare, with the assistance of the Office of the High Commissioner for Human Rights, materials which would include a reference document containing its decisions concerning early warning and urgent procedures and its latest concluding observations on each State party; information about States parties which have amended their constitutions, legislation, and judicial and administrative practices or which have introduced special legislation with a view to implementating the Convention; a list of States parties which had made a declaration under article 14 of the Convention and a list of States parties which had made reservations upon ratification of or accession to the Convention.

23. The Committee had also decided, with the assistance of the Office of the High Commissioner for Human Rights, to make an assessment of the best practices adopted by States parties in combating racial discrimination based on States parties periodic reports, its own practice and information received by the High Commissioner in response to the questionnaire transmitted to States Members of the United Nations in implementation of Commission on Human Rights resolution 1999/78.

24. Finally, the Committee had decided to establish contacts, through the Office of the United Nations High Commissioner for Human Rights, with the regional mechanisms which would be meeting to make their contributions to the preparation of the World Conference, and to maintain those contacts as needed (A/54/18, para. 574).

25. He also recalled Commission on Human Rights resolution 1998/26 in which the Commission invited the Committee to give high priority to the preparatory process for the World Conference and present to the Commission at its fifty-fifth session and to the Preparatory Committee its contribution to the objectives of the Conference, including undertaking a series of studies, and to participate actively in the preparatory process and at the Conference itself.

26. The documentation provided for in decision 5 (55) had been prepared. However, it was his understanding that all measures had not been taken to submit it to the Preparatory Committee for the World Conference at its meeting to be held in May 2000.

27. He also indicated that noteworthy studies authored by various members of the Committee had been submitted to the Preparatory Committee for the World Conference and members of the Committee had suggested that the Committee prepare, with the World Conference in mind, studies on contemporary forms and manifestations of racial discrimination in each geographical region, based on the results of the review of the periodic reports presented to it by States parties to the Convention.

28. He also took it that Committee members wished to make further proposals, given that the Committee was the treaty body whose mission most closely corresponded to the issues which would be reviewed during the World Conference. It must therefore play a particularly active role in the preparatory process for that Conference.

29. Mr. VALENCIA RODRIGUEZ said that the Committee had contributed to the preparations for the Conference in various ways: it had adopted two decisions, some of its members had prepared studies on specific subjects and others had cooperated with members of the Sub-Commission on the promotion and protection of human rights in preparing documents for the Conference, while a further group had participated in two expert seminars, the first relating to human rights, refugees and multi-ethnic States, held in December 1999, and the other to remedies available to victims of racism, which had taken place in February 2000.

30. He proposed that by way of an additional contribution the contact group prepare a document containing a summary of the Committee's work, i.e. its recommendations and general conclusions, various studies and the compilation drawn up by the Office of the High Commissioner for Human Rights. It was particularly important to reaffirm in the document the significance attached by the Committee to early-warning measures and urgent action procedures, designed to bring to the attention of the Security Council, through the Secretary-General, the racial or ethnic conflicts endangering international peace and security, so that the Security Council could take appropriate measures. The draft of the document could be examined by the Committee at its next session and, once the document was approved, presented to the Conference via its Preparatory Committee.

31. Mr. BANTON recalled the suggestion he had made during the visit by the High Commissioner (CERD/C/SR.1386, para. 18) concerning the need for the Conference to take account of the regional dimension. In that regard, the holding of preparatory regional meetings was an innovation of major importance. It would be desirable for the contact group to express the Committee's view that each region was responsible for defining its specific problems in relation to the application of the Convention.

32. Mr. de GOUTTES said that with regard to the contact group's working methods, he fully supported the suggestions made by Mr. Valencia Rodriguez. During the High Commissioner's visit, he had also expressed the wish that two Committee members, one of them a member of the contact group, be invited to the meeting in May 2000 of the Conference's Preparatory Committee (CERD/C/SR.1386, para. 21).

33. In essence, two points were worthy of particular note: firstly, emphasis should be placed on the prevention procedure which was specific to and had been created by the Committee, the usefulness of which was unanimously acknowledged, including by the General Assembly. In that context, it appeared to be essential for the Committee to reach prompt agreement on a draft declaration concerning emergency situations.

34. Another very important aspect was the participation of Committee experts in the regional seminars organized as part of the preparations for the World Conference. Certain Committee members had already attended the two seminars mentioned by Mr. Valencia Rodriguez, in December 1999 and February 2000. The secretariat should distribute to all Committee members the documents produced at the seminars.

35. Mr. GAHAM (Representative of the High Commissioner for Human Rights) believed that it had been clearly indicated that the Committee would be represented by a single member at the may 2000 meeting of the World Conference Preparatory Committee. Owing to the specific nature of the work done by the Committee on the Elimination of Racial Discrimination, the possible participation of a

second Committee member had in fact been discussed, but thus far no decision had been taken on the matter: it would all depend on the contributions received by the Office of the High Commissioner for Human Rights.

36. The participation of Committee members in regional seminars, participation could not, unfortunately, be systematic. The choice of the experts invited to the seminars was governed by regional considerations, and as a rule two experts were nominated for each region. Committee members could not therefore be invited on each occasion.

37. Mr. ABOUL-NASR also expressed support for the suggestions made by Mr. Valencia Rodriguez concerning the contact group's working methods and the remarks made by Mr. Banton concerning participation in the preparatory work at the regional level. In that regard, he proposed that Mr. Fall be given special responsibility for contacts with Africa.

38. With regard to participation in expert seminars, he expressed surprise that he had not even been informed of the latest seminars which had taken place, let alone be invited to participate in them in his capacity as Committee Chairman at the time. He considered that when a member of the Committee participated in an expert meeting, the Chairman should at least be informed accordingly.

39. He asked the Secretariat to specify which Committee members had participated in the meetings in question.

40. Mr. GAHAM (Representative of the High Commissioner for Human Rights), on a point of procedure, recalled that the secretariat could only intervene when invited to do so by the Chairman.

41. Responding to the request by Mr. Aboul-Nasr, he indicated that the experts who had participated in the seminars were Mr. Nobel, Mr. de Gouttes, Mr. Valencia Rodriguez, Mr. Yutzis and Ms. McDougall. All the experts had been freely at the time and had been invited in a personal capacity. The activities organized as part of the preparations for the World Conference on Racism, Racial Discrimination, Xenophobia and Related Intolerance were at the request of the General Assembly or the Commission on Human Rights, in relation to subjects chosen by those two bodies. It was not therefore possible to consult the Committee either on the subjects to be discussed, or on the people to be invited. In the last instance, the Office of the High Commissioner for Human Rights was responsible for organizational matters. Although the contribution of Committee members as specialists on racial discrimination was highly appreciated, they could be invited only in a personal capacity.

42. The CHAIRMAN assured the representative of the High Commissioner for Human Rights of his full cooperation. He would personally do everything his power to facilitate preparations for the Conference by responding, within the limits of his mandate, to requests made to him.

43. Mr. RECHETOV, on a point of order, said that the discussions on the Committee's participation in preparations for the forthcoming World Conference should not be reduced to a "private" exchange between the Chairman, the Representative of the High Commissioner and Mr. Aboul-Nasr. All Committee members should have the possibility to express their views.

44. The CHAIRMAN said that he would give the floor to Mr. Rechetov after the following speaker.

45. Ms. McDOUGALL also expressed support for the suggestions made by Mr. Valencia Rodriguez. More in-depth discussions should, however, be held on the content of the summary document to be submitted by the Committee to the Conference.

46. The remarks made by Mr. Banton on the importance of participation in regional preparations also appeared to be very relevant, be it in relation to participation in groups or expert seminars organized at the regional level, or to participation in regional preparatory committee meetings, to which CERD members could also make a useful contribution.

47. Mr. RECHETOV expressed satisfaction at Mr. Gaham's presence, which enabled the Committee to conduct a kind of direct dialogue with the Office of the High Commissioner, a fact which was greatly appreciated. As emphasized by Mr. Banton, regional preparations would play a major role in the success of the third World Conference, which should ideally impart fresh impetus to the fight against racism. The Preparatory Committee should, moreover, reflect on the way in which Governments should be involved in the process.

48. Much work was done in Geneva in the field of human rights, but it should be recalled that other United Nations bodies in other also dealt with those issues. He had had occasion to participate in a recent human rights seminar, held in Uzbekistan and sponsored by a United Nations department based in New York, which dealt more specifically with development. The department funded a human rights centre in Tashkent, whose activities covered the whole of central Asia.

49. He thanked Mr. Gaham for the clarifications he had provided but wished to know what had been meant by the explanation that Committee experts were invited to participate in certain meetings in a personal capacity. If Committee members were invited to those meetings, it was precisely in their capacity as Committee members and specialists on issues relating to racial discrimination. That being the case, it was quite natural for the Committee Chairman to be informed accordingly.

50. Mr. SHAHI supported the comments made by Mr. Valencia Rodriguez concerning the need to emphasize the urgent action procedure in the summary document to be drawn up by the contact group. The document could use the wording adopted in paragraph 2 of the Committee's Decision 5 (55), the beginning of which stated: "*Proposes* to the Preparatory Committee that it include in the agenda of the World Conference consideration of the problem of how the international community may prevent or mitigate mass and flagrant violations of the human rights of persons belonging to ethnic and racial groups and minorities...".

51. Mr. FALL said that he had followed carefully the explanations given by the Representative of the High Commissioner for Human Rights but that he nevertheless supported the comments made by Mr. Rechetov. Even if only as a matter of courtesy, the Chairman should be involved in choosing the members participating in the preparations for the Conference - as experts, of course, but also as Committee members.

52. The CHAIRMAN suggested that the contact group should draw up proposals, taking into account the decision to be taken at a later date, on the Group's new composition and to report back to the Committee at the earliest possible date so that the proposals could be examined at the current session.

53. He also believed that Committee members were unanimously in favour of the proposals made by Mr. Valencia Rodriguez and Mr. Banton, and therefore suggested that they be adopted.

54. It was so decided.

55. Ms. McDOUGALL pointed out that if the studies recommended by Mr. Valencia Rodriguez and Mr. Banton were to be prepared by the contact group, that would represent a not inconsiderable

additional workload in relation to what had originally been foreseen, and would also significantly increase the assistance required from the secretariat in carrying out the tasks entrusted to the Group.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 5) (continued)

Venue for the sessions of the Committee in 2001 (continued)

56. Ms. McDOUGALL said that the proposal to hold the Committee's August 2001 session in South Africa just prior to the third World Conference was particularly welcome: once in South Africa, Committee members would have the possibility not only to make contacts with Government representatives but also to contribute to the work of the drafting groups to be set up during the Conference. In that connection, Mr. Banton's idea of holding two-day thematic meetings was also a very interesting one. Those meetings could provide an opportunity for an exchange of views with the representatives of all those at the national or international level who, in addition to Governments themselves, active in protecting human rights and combating racism.

57. The CHAIRMAN confirmed the Committee's wish to hold the August 2001 session in South Africa.

58. Mr. GAHAM (Representative of the United Nations Office of the High Commissioner for Human Rights) said that he had just received from Headquarters in New York the response given on the matter by the Controller, according to which any expenditure resulting from the holding of Committee sessions away from Geneva could not be charged to the Organization's regular budget and should be met by the host country. He read out the original English version of the response: "The responsibility of the organization in providing services to CERD is limited to the provision of such services at - and related travel to - Geneva, the established headquarters of the Office of the High Commissioner. Any cost arising out of CERD meetings away from Geneva will not be borne by the regular budget and should, as provided in the General Assembly legislation governing the location of meetings, be met from the country who offers to host the meeting."

59. Mr. ABOUL-NASR asked whether the response also applied to the proposal to hold the Committee's fifty-eighth session in New York. If that were the case, that would indicate, on the part of the Controller, a regretable lack of knowledge of the Convention on the Elimination of Racial Discrimination, article 10 (4) of which provided that "the meetings of the Committee shall normally be held at United Nations Headquarters".

60 It was also regrettable that in his response, the Controller referred only to the regular United Nations budget, without taking into account the fact that the third World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance would be funded by a special budget. The extra cost resulting from the holding of the Committee's August 2001 session in South Africa could easily be charged to that budget.

61. Mr. YUTZIS pointed out that the Controller had provided a very bureaucratic response. He proposed that in order not to waste time, the response should not be debated but simply noted. It was preferable to make constructive proposals in order to find a solution.

62. The CHAIRMAN expressed agreement with Mr. Yutzis. Responding to the Representative of the High Commissioner for Human Rights, he asked what procedure had been adopted for the World Conference on Women, held in Beijing, which had allowed all the members of the competent committee to participate in the Conference. He also wished to know whether a response had been provided to the question raised by the Committee on the first day of the current session concerning the holding of its

fifty-eighth session in New York. Finally, as to the response of the Controller, he did not understand why the Controller had said that the secretariat could not meet the additional expenditure resulting from the holding of a Committee session in New York, since the Committee had not made any request of that kind. It was the Committee's responsibility to find the additional resources necessary.

63. Mr. GAHAM (Representative of the High Commissioner for Human Rights) said that he was obliged, in cases where a treaty body discussed an issue which might have financial implications, to draw the attention of the body's members to the implications in question so that the members were fully informed before taking a decision.

64. With regard to the World Conference on Women, it had been possible to hold that meeting in Beijing as a result of a decision of the Commission on Human Rights, which had adopted an appropriate resolution; the resolution had been endorsed by the General Assembly, thereby allowing the Conference to be funded.

65. Ms. RAADI (Coordinator of the international conventions team, Support Services Branch, Office of the High Commissioner for Human Rights), addressing the issue of holding a Committee session in New York, said that the Secretariat had assessed the financial implications of such a project at US$ 86,300 (document A/54/18/Add.1 of 17 November 1999).

66. Two issues remained to be resolved, however, following the decision taken by the General Assembly, i.e. that of the date of the session, insofar as it might prove impossible for Conference Services in NewYork to host a Committee session in March 2001, and also the question of meeting the extra expenditure involved in holding a Committee session in New York. Given that no funding had been included in the draft programme budget for the 2000-2001 biennium to cover such additional expenditure, the funding in question could be debited from the contingency fund. Furthermore, the only possible dates for holding the session were 8 to 26 January 2001. If the Committee decided to hold its fifty-eighth session between the proposed dates, the issue would again be brought to the General Assembly's attention the adoption of the Committee's next report and, in principle, there should be no financial problems in that regard.

67. The CHAIRMAN said that since the Committee had taken note of the financial implications of holding its fifty-eighth session in New York, it was able to adopt a decision on the matter.

68. Mr. ABOUL-NASR proposed that the Committee should hold its fifty-eighth session from 8 to 26 January 2001 in New York.

69. Following an exchange of views between Mr. YUTZIS, Mr. ABOUL-NASR, Ms. JANUARY-BARDILL and Mr. RECHETOV, the CHAIRMAN proposed that a vote should be taken on the proposal made by Mr. Aboul-Nasr.

70. It was so decided.

71. A show of hands was taken on the proposal to hold the Committee's fifty-eighth session from 8 to 26 January 2001 in New York.

72. The proposal was adopted by 14 votes to none, with 3 abstentions.

73. The CHAIRMAN asked the Secretariat to take the measures necessary to inform the concerned parties of the Committee's decision.

74. Mr. YUTZIS, explaining his position after the vote, said that he had abstained since the Committee had not taken account of the difficulties that some of the experts might encounter in participating in the session in question. Furthermore, he had never been very enthusiastic about holding of a Committee session in New York.

75. Mr. de GOUTTES, explaining his position after the vote, said that he had abstained because he was unsure whether he would be available between the proposed dates, but also for the sake of consistency. He had always supported the principle of keeping human rights-related activities in Geneva.

76. Mr. BRYDE, explaining his position after the vote, said that he had preferred to abstain, knowing very well that it might be difficult for him to attend the session in question.

The meeting rose at 1.05 p.m.